

SCHEDULE B

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA,

v.

RASHAWN SUMLER

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Hon. KATHARINE S. HYDEN  
Criminal No. 08-105

CONSENT JUDGMENT  
AND PRELIMINARY  
ORDER OF FORFEITURE

This matter having been opened to the Court by Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey, (Assistant United States Attorney Robert Frazer, appearing), for the entry of a consent judgment and preliminary order of forfeiture, and defendant Rashawn Sumler, (John Azzarello, Esq., appearing) having consented to the request; and the Court having found that:

WHEREAS, in accordance with the Plea Agreement filed on or about February 27, 2009 entered into between the United States of America and defendant Rashawn Sumler, in the above matter, the defendant, pursuant to 18 U.S.C. § 924(d)(1) and 28

U.S.C. § 2461(c), has agreed to forfeit to the United States the following property:

.38 caliber semi-automatic pistol, serial number 1566199, and 5 rounds of ammunition.

(hereinafter the "Forfeited Property" or "the Forfeited Firearms and Ammunition"); and

**WHEREAS**, defendant, Rashawn Sumler, has specifically acknowledged notice of the criminal forfeiture, consented to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waived his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2(a) and 43(a); and

**WHEREAS**, defendant, Rashawn Sumler, has agreed not to contest the forfeiture of the above referenced property;

**WHEREAS**, by virtue of the above, the United States is now entitled to possession of the Forfeited Property pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c); and

**WHEREAS**, defendant Rashawn Sumler has waived and abandoned all right, title and interest in the Forfeited Firearms and Ammunition; and defendant Rashawn Sumler has further waived, released and withdrawn any claim that defendant may have made with respect to the Forfeited Firearm and Ammunition, and waived and released any claim that defendant might otherwise have made to that property in the future; and

**WHEREAS**, defendant Rashawn Sumler having consented to the destruction of the Forfeited Firearm and Ammunition; and for good and sufficient cause shown;

It is hereby **ORDERED, ADJUDGED AND DECREED**:

1. That the Forfeited Property, specifically:  
.38 caliber semi-automatic pistol, serial number  
1566199, and 5 rounds of ammunition.

is to be held by any authorized agency of the United States in its secure custody and control;

2. That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Forfeited Property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Forfeited Property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;

3. That this notice: (a) shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Forfeited Property; (b) shall be signed by the petitioner under penalty of perjury, and (c) shall set forth the nature and extent of the petitioner's

right or interest in the Forfeited Property and any additional facts supporting the petitioner's claim and the relief sought;

4. That the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeited Property that is the subject of this Consent Judgment and Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified; and

5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture authorizing the United States to destroy the Forfeited Firearms and Ammunition.

ORDERED this 27<sup>th</sup> day of Feb, 2009.

Katharine S. Hayden  
HONORABLE KATHARINE S. HAYDEN  
United States District Judge

RALPH J. MARRA, JR.  
ACTING UNITED STATES ATTORNEY

Robert Frazer  
By: Robert Frazer  
Assistant U.S. Attorney

John Azzarello  
John Azzarello, Esq.  
Counsel for the Defendant

Rashawn Sumler  
Rashawn Sumler  
Defendant

2/27/09  
Dated:

2/27/09  
Dated:

2/27/09  
Dated: